



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED], MI [REDACTED]

Date Mailed: October 17, 2018

MAHS Docket No.: 18-009342

Agency No.: [REDACTED]

Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

Following Petitioner's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on October 11, 2018, from Lansing, Michigan. Petitioner was represented by herself. The Department of Health and Human Services was represented by Kathlene Scorpio-Butina, Rena Yaghnem.

ISSUE

Did the Department of Health and Human Services (Department) properly determine Petitioner's eligibility for Food Assistance Program (FAP) benefits?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On [REDACTED], 2018, the Department received Petitioner's application for Food Assistance Program (FAP) benefits as a group of one. Exhibit A, pp 6-11.
2. Petitioner reported on her [REDACTED], 2018, application for assistance that she had been employed and receiving earned income in the bi-weekly amount of \$2,220. Exhibit A, p 10.
3. Petitioner reported on her [REDACTED], 2018, application for assistance that her employment had ended as of July 6, 2018. Exhibit A, p 10.
4. On July 17, 2018, the Department sent Petitioner a Verification Checklist (DHS-3503) requesting verification of ending employment by July 27, 2018. Exhibit A, pp 14-15.

5. On July 20, 2018, the Department received a copy of a paycheck Petitioner received on July 6, 2018, verifying earned income in the gross amount of \$[REDACTED] Exhibit A, pp 18-19.
6. Petitioner received unemployment benefits in the gross bi-weekly amounts of \$[REDACTED] on July 14, 2018, and \$[REDACTED] on July 28, 2018. Exhibit A, p 30.
7. Petitioner has an obligation to pay monthly housing expenses of \$600, which includes heat, but not electric service expenses, water and sewer expenses, or telephone expenses.
8. On August 14, 2018, the Department notified Petitioner that her Food Assistance Program (FAP) application had been denied. Exhibit A, pp 22-25.
9. On September 14, 2018, the Department received Petitioner's request for a hearing protesting the denial of Food Assistance Program (FAP) benefits. Exhibit A, pp 3-4.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and Human Services Emergency Relief Manual (ERM).

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department (formerly known as the Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

All income is converted to a standard monthly amount. If the client is paid weekly, the Department multiplies the average weekly amount by 4.3. If the client is paid every other week, the Department multiplies the average bi-weekly amount by 2.15. Department of Human Services Bridges Eligibility Manual (BEM) 505 (October 1, 2017), pp 7-8.

On [REDACTED], 2018, the Department received Petitioner's application for FAP benefits. Petitioner reported that she had been employed and provided a copy of a paycheck stub showing earned income in the gross bi-weekly amount of \$[REDACTED]. Petitioner's prospective income from her unemployment benefits in the gross monthly amount of \$[REDACTED] was determined by multiplying her average benefit payment by the 2.15 conversion factor as directed by BEM 505. Petitioner's adjusted gross income of \$[REDACTED] was determined by reducing her total income for July of 2018 by the \$160 standard deduction.

The Department will consider only the medical expenses of senior/disabled/veteran (SDV) persons in the eligible group or SDV persons disqualified for certain reasons. Department of Health and Human Services Bridges Eligibility Manual (BEM) 554 (August 1, 2017), pp 8 – 9.

Petitioner argued that her medical expenses were not applied towards her eligibility for FAP benefits, but since Petitioner has not been found to be a senior/disabled/veteran FAP recipient, she is not entitled to a deduction for medical expenses.

Petitioner reported being responsible for rent in the monthly amount of \$600, and being responsible for electric, water/sewer, and telephone expenses. Because Petitioner's verified monthly shelter expenses are less than half of her adjusted gross income, she is not entitled to an excess shelter deduction.

Petitioner's monthly net income is therefore the same as her adjusted gross income. A group of one with a net income of \$[REDACTED] is not eligible for FAP benefits. Department of Health and Human Services Reference Table Manual (RFT) 250 (October 1, 2017), p 1.

Petitioner argued that her earned income was not expected to continue. Petitioner testified that her receipt of unemployment benefits is verification of a loss of employment.

However, Petitioner failed to provide verification that her employment had ended. Further, the receipt of unemployment benefits does not verify that earned income has been reduced to \$[REDACTED]

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it denied Petitioner's application for Food Assistance Program (FAP) benefits.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/hb



Kevin Scully
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MAHS Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

DHHS

Lauren Casper
27690 Van Dyke
Warren, MI 48093

Macomb County (District 20), DHHS

BSC4 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

Petitioner

[REDACTED]
[REDACTED]
[REDACTED], MI [REDACTED]